

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

THREE WAY, INC.,
Plaintiff,

CV-04-4688-JF

ORDER OF DISMISSAL

V.

UPS SUPPLY CHAIN SOLUTIONS, INC.,
Defendant.

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The parties hereto, by their counsel, have advised the Court that they have agreed to a settlement of this case.

IT IS HEREBY ORDERED that this cause be dismissed with prejudice; however, that if any party hereto shall certify to this Court, within ninety days, with proof of service of a copy thereof, that the agreed consideration for said settlement has not been delivered over, the foregoing ORDER SHALL STAND VACATED and this cause shall forthwith be restored to the calendar to be set for trial.

Date: July 13, 2005

(s/electronic signature authorized)

JEREMY FOGEL

Judge United States District Court